

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 7, 2009**

DIVISION ONE

[illegible]

Smith's conviction on the charge of petty theft (count 2) is reversed. The judgment is otherwise affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above, and to forward a certified copy to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Chaney, J.

DIVISION TWO

[illegible]

The sentence is reversed with respect to counts 1 and 5 and to the gang enhancements on each count. The matter is remanded for resentencing with directions to the trial court to impose determinate sentences in counts 1 and 5 and one-third the term for any enhancements imposed in each subordinate count. In all other respects the judgment is affirmed. The superior court is directed to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation.

Boren, P.J.

We concur:   Doi Todd, J.  
                          Chavez, J.

DIVISION TWO (continued)

B213605      Rosemead Boulevard Properties      (Not for Publication)  
                 v.  
                 Esteem Cleaners Inc.

The judgment is reversed. Rosemead Properties is entitled to costs on appeal.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

B211842      Jamgotchian      (Not for Publication)  
                 v.  
                 California Horse Racing Bd.

The judgment is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Chavez, J.

B204020      People      (Not for Publication)  
                 v.  
                 Marshall

The judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.  
                 Chavez, J.

December 7, 2009 (Continued)

DIVISION TWO (continued)

B209485      Stites      (Not for Publication)  
v.  
Hilton Hotels

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                          Chavez, J.

## DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B207181 People v. Bledsoe, Jr.  
B203209 People v. Morris  
B214141 Children and Family Services v. M.S.

Argument waived, cause submitted.

B215713      Legacy Vulcan Corporation  
v.  
S.C.L.A.  
Transport Insurance Company

Merits:  
Argued by Donald W. Brown for petitioner and by Paul J. Killion for real party in interest. Cause submitted.

DIVISION THREE (continued)

B218150     In Re James Masoner on Habeas Corpus

Merits:

Argued by Kim Aarons, deputy attorney general for appellant and by Monica Knox, federal public defender for respondent. Cause submitted.

B203152     People  
               v.  
               Rowland, et al.

Merits:

Argued by Jonathan Milberg for appellant Bertrum Westbrook and by David E. Voet, deputy attorney general for respondent. Cause submitted.

B188106     Pfizer, Inc.  
               v.  
               S.C.L.A.  
               Steve Galfano

Merits:

Argued by Thomas A. Smart for petitioner and by R. Duane Westrup for real party in interest. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B214536 People v. Ward  
B208613 People v. Rose  
B210695 People v. Rojas

Argument waived, cause submitted.

DIVISION THREE (continued)

B209335      Clifton  
                 v.  
                 Chevron Products Company, et al.

Merits:  
Argued by Marc Lazarus for appellant and by Jason Levin for respondents.  
Cause submitted.

B211052      Agbeti, et al.  
                 v.  
                 Los Angeles Unified School District, et al.

Merits:  
Argued by Howard C. Kornberg for appellants and by Jeffrey J. Carlson for respondents. Cause submitted.

B213050      Wecker  
                 v.  
                 City of Los Angeles

Merits:  
Argued by Mathew D. Hinks for appellant and by Michael J. Bostrom, deputy city attorney for respondent. Cause submitted.

B212082      Gray  
                 v.  
                 Continental Casualty Company, et al.

Merits:  
Argued by John E. Peer for appellants and by Daniel W. Rinaldelli and Rodney G. Ritner for respondents. Submission deferred.

### DIVISION THREE (continued)

B218010 City of Hermosa Beach  
v.  
Superior Court, Los Angeles County  
(Windward Associates and MacPherson Oil Co., r.p.i.)

Merits:

Argued by Thomas Freeman for petitioner and by James S. Bright for real party in interest. Cause submitted.

Court adjourned.

DIVISION FOUR

B213020      People                          (Not for Publication)  
v.  
Lee

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B214748 People (Not for Publication)  
v.  
Montanez

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

December 7, 2009 (Continued)

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed. Each side to bear its own costs on appeal.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B212539 People (Not for Publication)  
v.  
Gonzalez

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B215454 Barboza, et al.  
v.  
West Coast Digital GSM, Inc., et al.

Filed order denying petition for rehearing.

## DIVISION FIVE

B211364      People      (Not for Publication)  
v.  
Michael Sheridan, et al.

The court construction penalty imposed on each appellant pursuant to Government Code section 70372 is stricken. The judgment is affirmed in all other respects.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B207438 People (Not for Publication)  
v.  
Isidro Perez

Appellant's sentence is modified to replace the 10-year term imposed pursuant to section 186.22, subdivision (b)(1)(B) with a 15 year minimum parole eligibility term pursuant to section 186.22, subdivision (b)(5). The judgment of conviction is affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

B215780      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
R.L.

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.



## December 7, 2009 (Continued)

## DIVISION FIVE (continued)

B211822 People (Not for Publication)  
v.  
Derrick Turner

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B214665      Kenneth Barton  
v.  
RPost International Ltd., et al

Filed order granting petition for rehearing as to appellants Zafar Khan, Terrance Tomkow, and Henri Isenberg. Rehearing is denied as to appellant RPost International Ltd. Prior cost order [opinion November 9] is modified to have all parties bear their own costs incurred on appeal as to RPost International Ltd. (Change in judgment)

B208699 Kim Seng Company  
v.  
Great American Insurance Co. of New York, et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION EIGHT

B211248 People (Not for Publication)  
v.  
Lunceford

The judgment is affirmed.

Flier, Acting P.J.

We concur:   Bigelow, J.  
                      Mohr, J. (Assigned)

B201113      Oakhurst Industries, Inc.,      (Not for Publication)  
v.  
Tubeway Associates, L.P.,

The judgment is affirmed. Oakhursrt Industries, Inc. d/b/a/ Freund Baking Company is to recover its costs on appeal.

Mohr, J. (Assigned)

We concur: Rubin, Acting P.J.  
Bigelow, J.

B211269 People (Not for Publication)  
v.  
Arthur L yonne Bonner

The judgment is affirmed.

Mohr, J. (Assigned)

We concur: Flier, Acting P.J.  
Bigelow, J.